

REMARKS/ARGUMENTS

Claims 1-26 are pending in the present application. Because of a restriction requirement, claims 1-19 are withdrawn from consideration, and claims 20-26 are presently being examined on the merits.

Claim 20 of the present invention, as presently amended, recites a reagent for staining bacteria comprising (a) a staining solution containing a dye, and (b) a diluent containing a buffer for maintaining acidity; and an effective amount of a substance capable of reducing nitrite ions. Support for the amendment to claim 20 can be found at page 16, lines 5-16.

Claims 21-26 are dependent claims of claim 20. Claim 21 specifies a number of specific substances capable of reducing nitrite ions including the elected species sulfamic acid. Claims 22, 23, and 26 recite that the composition recited in claim 20 further comprises a quaternary ammonium compound as a cationic surfactant. Claims 24 and 25 further limit the buffer by its pKa and the pH.

The Examiner cites Cockrell et al. (U.S. Patent 4,877,459) to reject claims 20, 21, 24, and 25 under 35 U.S.C.102(b). Cockrell discloses a composition that has each of the ingredients as recited in the original claims 20, 21, 24, and 25, which are directed to a diluent for bacterial stain. The Examiner acknowledges that Cockrell relates to a composition as a cleaner instead of a diluent for bacterial stain. Nevertheless, the Examiner states that the recitation of the intended use "diluent for bacterial stain" does not give any weight to the patentability of the present invention, because it does not result in a structural difference between the currently claimed invention and that disclosed in Cockrell.

According, claims 20-26 have been amended to be clearly directed to a reagent for the staining of bacteria that contains a staining solution component containing a dye. Cockrell does not disclose a composition that contains a dye. Hence, claims 20, 21, 24 and 25, as amended, are clearly distinguishable from Cockrell by structure.

Claims 20, 22, 23, and 26 are rejected as being obvious under 35 U.S.C. 103(a) over Cockrell in view of Carrie (U.S. Patent 5,912,219). Cockrell does not disclose the quaternary ammonium compound as the cationic surfactant that is a component of the recited diluent in claims 22, 23, and 26. Nevertheless, the Examiner states that Carrie discloses this kind of cationic surfactant for use in acidic cleaning compounds.

Accordingly, claims 20, 22, 23 and 26 have been amended to be clearly directed to a reagent for the staining of bacteria that contains a staining solution component containing a dye. Neither Cockrell or Carrie discloses a composition that contains a dye that is needed to stain bacteria. Hence, claims 20, 22, 23 and 26, as amended, are clearly distinguishable from the combination of Cockrell and Carrie by structure. New claims 27 and 28 are added to recite specific dyes.

The support for the above amended claim 20 and newly added claims 27-28 can be found, for example, at page 16, lines 5-16, and page 10, lines 13-21.

It is respectfully submitted that claims 20-26, as amended, and new claims 27 and 28 are in a condition for allowance, early notice of which is earnestly requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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